

1 **JOHN D. FORSYTH (SBN 178341)**
2 The Law Office of John D. Forsyth
3 2431 Fillmore Street
4 San Francisco, CA 94115
5 415-401-0729 telephone
6 415-401-7609 facsimile
7 sotts@earthlink.net e-mail

8
9
10 **RICHARD G. HULLINGER (SBN 294025)**
11 Law Office of Richard G. Hullinger
12 1000 Brannan Street, Suite 488
13 San Francisco, CA 94103
14 Telephone: (415) 575-3588
15 Facsimile: (415) 522-1506
16 richardh@defendergroup.com

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18 Attorneys for Defendant
19 **JOHN LEE BERRY, III**

20
21 **IN THE UNITED STATES DISTRICT COURT**

22 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

23
24 UNITED STATES OF AMERICA,

25 Plaintiff,

26 vs.

27 ALVIN FLORIDA, JR.,
28 ROBERT ALHASHASH RASHEED,
1 JOHN LEE BERRY, III
2 REFUGIO DIAZ and
3 STEPHAN ALEXANDER FLORIDA.

4
5 Defendants.

6 Case No. 14-CR-582 PJH

7 **DEFENDANTS' PROPOSED JURY
8 VOIR DIRE**

9 **Trial Date: October 31, 2016**
10 **Pretrial Date: October 12, 2016**
11 **Time: 1:30 p.m.**
12 **Court: The Hon. Phyllis J. Hamilton**

The DEFENDANTS jointly request that the following questions be asked of the jury during voir dire. In the alternative, DEFENDANTS request that, in addition to the Court's standard juror questionnaire (Dkt. No. 120, pp. 5-6) the below questions be provided to the jury in the form of a written questionnaire.

Dated: September 28, 2016

Respectfully submitted,

____/S/

SHAFFY MOEEL
Attorney for Defendant
ALVIN FLORIDA, JR.

____/s/ _____
STEVEN GRUEL
Attorney for Defendant
ROBERT ALHASHASH RASHEED

____/s/ _____
JOHN FORSYTH
Attorney for Defendant
JOHN LEE BERRY, III

____/s/____
EDWIN PRATHER
Attorney for Defendant
REFUGIO DIAZ

1 **Experience with Judicial System and Law Enforcement**

2 1. What do you think about the criminal justice process in this country?

3 2. The Court requires the prosecution to prove its case beyond a reasonable doubt. Does this
4 requirement make prosecutions too easy or too hard?

5 3. The defendant need not testify. He can remain silent and this cannot be held against him in
6 any way. What do you think of this?

7 4. Have you, or any member of your family, or any close friend ever been arrested, a
8 defendant in a criminal case, or accused of a criminal offense?

9 a. Who was arrested or charged?

10 b. What law enforcement agency was involved?

11 c. Do you feel the matter was fairly handled?

12 d. Did the matter result in a trial being held?

13 e. What was the final result of the case?

14 5. Have you ever testified as a witness in a criminal trial for either the prosecution or the
15 defense?

16 a. If yes, briefly explain the circumstances.

17 b. Do you have any feelings about that experience that would prevent you from being fair,
18 objective, and impartial in this case?

19 6. Have you, a member of your family, or a close friend ever been the victim or witness of a
20 crime?

21 a. What happened in that case?

22 b. Were you satisfied with the way the case was handled by law enforcement and by the
23 court?

24 7. Both the United States and the defendant are entitled to a fair and impartial trial. Do you
25 have any dislike, disfavor, or skepticism against the defendant which would make it
26 difficult for you to be wholly impartial in this case?

27 8. Do you have any dislike, disfavor, or skepticism against the United States Government or
28 any agency, department or part of it?

1 9. Do you have any strong feelings, one way or the other, about law enforcement?

2 10. Would you tend to believe the testimony of a person any more or less, simply because he or

3 she is employed in law enforcement?

4 **Experience with Banking, Real Estate, and Foreclosures**

5 11. Do you have any education, training, or other specialized knowledge in the field of

6 banking? If so, please explain.

7 12. Do you have any education, training, or other specialized knowledge in the field of real

8 estate? If so, please explain.

9 13. Do you have any education, training, or other specialized knowledge in the field of finance

10 or investing? If so, please explain.

11 14. If you own your residence, when did you purchase it?

12 15. Have you ever fallen behind on your mortgage payments?

13 a. If so, were you able to bring the loan current, refinance, get a loan modification, work

14 out a repayment plan, obtain a forbearance, short sell your home, rent back your home,

15 or give your home back to your lender through a deed-in-lieu of foreclosure? Please

16 describe your experience.

17 b. Do you have any feelings about that experience that would prevent you from being fair,

18 objective, and impartial in this case?

19 16. Are you familiar with television reality shows about “flipping” real estate? If so, do you

20 have any strong feelings about the business of flipping homes?

21 17. Do you have any feelings on way or another about people who make their living buying and

22 selling foreclosed homes?

23 18. Do you have any particular beliefs or feelings about the 2007/2008 economic crisis that

24 might make it difficult for you to serve as a fair and impartial juror in this case? For

25 example, did you lose significant assets as a result of the crisis?

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1 **Opinions (please mark the response that best describes your feelings and beliefs)**

2 19. The banking and financial institutions were primarily responsible for the 2007/2008
3 economic crisis
4 Strongly Agree ____ Agree ____ Disagree ____ Strongly Disagree ____

5 20. The government only prosecuted the “little guys” while the CEOs and banks went
6 unpunished.

7 Strongly Agree ____ Agree ____ Disagree ____ Strongly Disagree ____

8 21. Borrowers who took out loans that they could not afford to pay back were primarily
9 responsible for the 2007/2008 economic crisis.

10 Strongly Agree ____ Agree ____ Disagree ____ Strongly Disagree ____

11 22. Banks and financial institutions took advantage of borrowers by offering “predatory” loans
12 that the institutions knew the borrowers could not pay back.

13 Strongly Agree ____ Agree ____ Disagree ____ Strongly Disagree ____

14 23. The financial system in the United States is fundamentally unfair because banks and
15 financial institutions have too much power and influence over the government.

16 Strongly Agree ____ Agree ____ Disagree ____ Strongly Disagree ____

17 24. Sometimes it seems like the government favors banks and financial institutions more than
18 individual citizens.

19 Strongly Agree ____ Agree ____ Disagree ____ Strongly Disagree ____

20 25. The government cares more about banks than individual citizens when it comes to national
21 financial policies.

22 Strongly Agree ____ Agree ____ Disagree ____ Strongly Disagree ____

23 26. There is too much economic regulation in the United States.

24 Strongly Agree ____ Agree ____ Disagree ____ Strongly Disagree ____

25 27. Government economic regulations make individual Americans less free.

26 Strongly Agree ____ Agree ____ Disagree ____ Strongly Disagree ____

27 ///

1 28. The United States is not a true “free market” economy because government regulations tend
2 to favor large corporations over individual Americans.

3 Strongly Agree Agree Disagree Strongly Disagree

4 29. Is there any reason why you might not wish to sit as a juror or should not sit as a juror in
5 this case which the attorneys or the Court should know about?

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